

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNITED STATES SURETY COMPANY *

Plaintiff * Civil Action No.: 05-675 GMS

v. *

M. MILLER TRUCKING, et al. *

Defendants *

STIPULATION OF DISMISSAL

In accordance with Federal Rule of Civil Procedure 41, Plaintiff U.S. Surety Company and Defendant M. Miller Trucking hereby give notice to the Court that they have agreed:

1. To dismiss all claims pending in this case with prejudice.

2. Defendant does not wish to pursue any claims against the \$10,000 bond that has been deposited with the Court in this matter, and hereby disclaims any and all claims to those monies deposited with the Court and any and all claims against U. S. Surety Company.

3. Each party shall bear its own costs and attorney's fees.

Plaintiff and Defendant therefore request that the Court enter the Order of Dismissal submitted with this Stipulation.

Dated: March ___, 2006


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ORDER OF DISMISSAL

ON THIS DATE the Court considered the Stipulation of Dismissal filed by U.S. Surety Company and Defendant M. Miller Trucking in this case, and the Court having been advised that the parties have agreed that this action should be dismissed with prejudice and that the parties should each bear their own court costs, expenses and legal fees, it is therefore,

ORDERED, ADJUDGED, and DECREED that:

1. The above-entitled and numbered case is hereby dismissed with prejudice to the refiling of the same.
2. Each party shall bear its own costs, expenses and attorney's fees incurred in connection with this litigation.

Dated: _____

U.S. District Judge Gregory Sleet